

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

MARYANN BROTHERS, et al.,

Plaintiffs,

v.

NASHVILLE 5G HOLDINGS, LLC, et al.,

Defendants.

and

TEAIRA KING, et al.,

Plaintiffs,

v.

NASHVILLE 5G HOLDINGS, LLC, et al.,

Defendants.

**Case No. 3:08-cv-1166
Judge Haynes**

JOINT NOTICE OF PARTIAL SETTLEMENT

Plaintiffs Dominique Bell, Latoya Moore, Broderick Porter-Baugh, Thomas White, and Timothy Wilson (each a “Plaintiff”) and Defendants Nashville 5G Holdings, LLC, John Isaac, and William McKechnie respectfully notify the Court that the matters in controversy between them have been settled and that these five plaintiffs’ claims should be dismissed without prejudice to the right to reopen such claims if the settlement is not consummated as agreed upon on February 1, 2010.

The parties request that the Court dismiss the claims of these five Plaintiffs with prejudice on February 8, 2010; provided, however, that if a Plaintiff notifies the Court between February 2, 2010, and February 8, 2010, that Defendants have failed to consummate the agreed

upon settlement, the claims of such Plaintiff shall not be dismissed. Upon full and complete satisfaction of the settlement of these five plaintiffs' claims, the parties will submit a proposed agreed order of dismissal of such claims with prejudice on or before February 8, 2010.

In the event the settlement is not consummated and these Plaintiffs seek to reopen their claims, the parties agree that Plaintiffs' claims shall remain timely and that Defendants' shall not assert any defense to the reopened claims based upon this dismissal without prejudice or reopening of such claims, specifically including any defense based upon any statute of limitation or lack of subject matter jurisdiction.

Based on the foregoing, Defendants hereby withdraw their pending motions for summary judgment, supporting statements of undisputed facts and attachments, and memoranda of law as to Plaintiffs Bell, Moore, Porter-Baugh, White, and Wilson, as those motions are now moot and there is no need for Plaintiffs to respond or for the Court to consider them.

Currently remaining for disposition are Defendants' motions for summary judgment as to the claims of Plaintiffs Maryann Brothers, Stephen Cardinal, Teaira King, and James Newman. Plaintiffs have filed their responses to these motions and supporting materials together with this Joint Notice of Partial Settlement.

Respectfully submitted,

s/Stephen W. Grace

Stephen W. Grace (BPR No. 14867)
1019 16th Avenue, South
Nashville, Tennessee 37212
(615) 255-5225

s/Douglas B. Janney III

Douglas B. Janney III (BPR No. 19112)
2002 Richard Jones Road
Suite B-200
Nashville, Tennessee 37215
(615) 742-5900

Attorneys for Plaintiff's

s/King F. Tower

King F. Tower
D. Earl Baggett
Williams Mullen, P.C.
P.O. Box 1320
Richmond, Virginia 23218-1320
(804) 643-1991

s/W. Scott Sims

W. Scott Sims (BPR No. 17563)
Walker, Tipps & Malone
150 Fourth Avenue, North
Suite 2300
Nashville, Tennessee 37219-2515
(615) 313-6004

Attorneys for Defendants